

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE WILLIAM MAHAN,

Plaintiff,

Case No. 22-10489

v.

Hon. George Caram Steeh
Hon. Patricia T. Morris

NOAH NAGY, *et al.*,

Defendants.

_____ /

ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF NO. 69)

On September 26, 2022, Magistrate Judge Patricia T. Morris issued a report and recommendation proposing that the court grant the motion to dismiss filed by Defendants Heidi Washington, Noah Nagy, Scott Bailey, Jeffrey White, Russ Rurka, Nathan Root, Michael Heskett, Billy Ferguson, and Andrew Hulzschu (ECF No. 39). Plaintiff Tyrone Mahan has filed objections. ECF No. 79.

With respect to reports and recommendations from magistrate judges, this court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject

or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

In general, Plaintiff’s objections state his disagreement with the magistrate judge’s characterizations or conclusions, but do not explain how the magistrate judge erred. Magistrate Judge Morris determined that Plaintiff’s claims should be dismissed based upon Eleventh Amendment immunity and because he did not state an Eighth Amendment claim. Plaintiff’s objections do not address the legal basis for the magistrate judge’s conclusions.

Having reviewed the record and the applicable legal authority, the court agrees with Magistrate Judge Morris’s analysis. The court notes that Plaintiff has requested the opportunity to amend his complaint and that a motion to amend is pending. ECF No. 80. This order adopting Magistrate Judge Morris’s report and recommendation does not preclude or otherwise address the motion to amend.

IT IS HEREBY ORDERED THAT Magistrate Judge Morris’s September 26, 2022 report and recommendation is ADOPTED by the court and that Defendants’ motion to dismiss (ECF No. 39) is GRANTED. Dated:

November 4, 2022

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 4, 2022, by electronic and/or ordinary mail and also on Tyrone William Mahan #264524, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201.

s/Brianna Sauve
Deputy Clerk